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Department of Public Safety Architectural Access Board

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Daniel Bennett
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Executive Director

Board Meeting Minutes – April 25, 2016

21st Floor – Conference Room 3

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Jane Hardin, Member (JH)
- Carol Steinberg, Member (CS)
- George Delegas, Member (GD)
- Dawn Guarriello, Member (DG)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Andrew Bedar, Member (AB)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- Meeting began at approximately 9:10 a.m.

1) Discussion: Board Member Roll Call

DM - all but AB and RG present

2) Incoming: Taunton State Hospital, Chambers Building, 60 Hodges Avenue, Taunton (V16-120)

- TH - EXHIBIT – variance application and supplemental information
- creation of new rooms for women convicted of substance abuse and under staff supervision 24/7
- spending \$8,959,000 and the value of the building is \$29 million; over 30%
- cross slope of 2.5%, seeking variance for .5% at walkways

DM - grant as proposed

JD - second – carries unanimously

- TH - variance for 23.3.3, parking is 206 feet from entrance
- drop-off zone for use of sheriff's department only

DM - grant as proposed

CS - second – carries unanimously

- TH - 31.7, variance for shower benches
- will provide bench on request

DM - grant as proposed

JD - second – carries unanimously

- TH - removable shower nozzle, will be provided upon request

DM - grant as proposed

JH - second – carries unanimously

- TH - maneuvering clearances at all 34 bedrooms
- existing chases within the building
- plan to provide 36" at one side of the bed

DM - grant as proposed

JH - second – carries unanimously

- TH - 13.5, pull side clearance at shower doors in two seclusion rooms
- staff assists all residents

DM - grant as proposed

JD - second – carries unanimously

- TH - showers in shower room are not fully compliant, not enough clearance provided
- usable

Raymond Glazier, Executive Office on Elder Affairs Designee (RG) – Now Present

JH - grant as proposed

DM - second – carries with RG abstaining

- TH - three-year time variance to complete the project and access

- DM* - grant a 3 year time variance, on the condition that status reports submitted every 6 months with the first to be submitted upon receipt of the notice of action
JD - second – carries with RG abstaining

3) Incoming: James Library Center for the Arts, 24 West Street, Norwell (V16-087)

- TH - EXHIBIT – variance application and supplemental information
- built in 1874
- 3 floors, with the upper floor being a 90-seat performance space
- main floor has a free lending library and restroom
- lower level is an art gallery with new exhibits each month
- spending over 30%
- projects purpose is to make the building accessible
- seeking variance prior to the fundraising project to determine access required
- 6 variance requests
- 25.1, lack of access to front entrance to the building, alternate ramped rear entrance
- also proposing a LULA, and accessible bathroom at the first floor

- CS* - deny variance for front entrance
- no second – motion fails

GD - grant as proposed

JH - second – carries with CS opposed and JD abstaining

- TH - 26.4, front entrance doors, historic doors, less than 32” each

RG - grant as proposed

DM - second – carries with CS opposed and JD abstaining

- TH - main staircase at the back of the building, handrails

DM - grant on the condition wall-mounted compliant handrail

GD - second – carries with JD abstaining

- TH - nosings for the front staircase, it is carpeted
- rear stair case nosings
- stair is a second means of egress and rarely used

JH - grant as proposed

DM - second – carries with JD abstaining

- TH - LULA cab size, proposing 42” by 60”
- required 36” by 60”

RG - no variance required, complies

DM - second – carries with JD abstaining

- TH - proposed partition for the single user toilet room
- it will block the clear floor space

CS - deny

DM - second – carries with JD abstaining

CS - require the submittal of more information regarding route from the street to the rear accessible entrance within 30 days

DM - second – carries with JD abstaining

JD - no sidewalks in front of the building

CS - withdraw previous motion

DM - second – carries with JD abstaining

4) Incoming: Gordon Mansfield Veterans Village, 702 South Westfield St., Feeding Hills (V16-103)

TH - EXHIBIT- variance application and supplemental information
- has been used as law enforcement and crime lab
- converting to single occupancy residences, 49 total
- over 30%
- seeking variances for 25.1, 25.2 and 25.3
- providing 5% 2A, all public and common areas will comply
- seeking variance for historic front entrance, and one entrance at the rear
- building is currently empty

JD - grant all three variance requests as proposed

DM - second – carries with CS opposed

5) Incoming: Sidewalks and Curb Cuts, Hollis Street, Irving Street, Concord Street, Union Avenue, Frederick Street, Howard Street, Framingham (V16-094)

TH - EXHIBIT- variance application and supplemental information
- left a 2 foot area adjacent to the curb cuts, needed variance via advisory opinion
- EXHIBIT – April 4, 2016 e-mail from Karen Dempsey, of Framingham Commission on Disability opposed to all the variance requests

JD - schedule a hearing

DM - second – carries unanimously

6) Incoming: Goshen Town Hall, 42 Main Street, Goshen (V16-084)

TH - EXHIBIT – variance application and supplemental information
- emergency repair to building envelope
- spending \$563,000, over 30%
- EXHIBIT – March 21, 2016 letter from Andy Bristol of Stavros, supporting all of the variances as proposed
- elevator within the building and toilet rooms are accessible
- seeking variances to two entrances (25.1 and 25.2)

JD - grant as proposed

DM - second – carries unanimously

TH - seeking 12-month time variance to install auto opener

CS - *grant as proposed*
JH - *second – carries unanimously*

TH - variance for assessor's office door
- step up and down, change in level (29.2.3)

DM - *grant as proposed*
JD - *second – carries unanimously*

TH - lack of compliant interior handrails stairs, with the proposal that wall-mounted handrails will comply

DM - *grant as proposed*
RG - *second – carries unanimously*

TH - bathroom variance for overall dimensions (30.7.1)

DM - *grant as proposed*
JD - *second – carries unanimously*

TH - kitchen, currently used for coffee, rarely used for food prep
- seeking 60 months to the renovate the kitchen

JD - *grant on the condition that yearly status reports are submitted starting May 1, 2017*
RG - *second – carries unanimously*

JD left the room

7) Discussion: Nahant Housing Authority, Spindrift Building, 194 Nahant Rd., Nahant (C14-018 and V15-048)

TH - EXHIBIT – April 14, 2016 Neil Mongold submitted amendment to existing variance; March 25, 2016 Reilly Law LLC, wrote seeking an extension to the May 1, 2016 deadline for the installation of the lift
- seeking until November 1, 2017 to complete the installation of the two-stop lift
- moved the lift design to go through the complainant's apartment
- alternate design goes through housing authority office within the building

DM - *schedule a hearing*
RG - *second – carries unanimously*

TH - there is also a chair lift on the stairs, going up all three flights of the building

CS - *extend deadline to August 1, 2016*
- *withdraw*
- *table the request for an extension until a hearing can be scheduled*
DM - *second – carries unanimously*

JD now present and WW not present, DM as Acting Chair

8) Incoming: Strand Theater, 11 Oak Bluffs Avenue, Oak Bluffs (V16-117)

- TH - EXHIBIT – variance application and supplemental information
- 270 seats with a raised platform at screen
- want to open up to use of platform for performances
- proposing portable lift for access to the stage (variance needed since not permanently installed)

CS - *grant as proposed for portable lift, on the condition that someone on staff is always available and present to operate lift*

JD - *second – carries unanimously*

CS - *advertise that the stage is accessible via portable lift*

JD - *second – carries unanimously*

9) Incoming: Sidewalks at State Transportation Building, 10 Park Plaza, Charles Street South, Stuart Street, and Tremont Street, Boston (V16-116)

- TH - EXHIBIT- variance application and supplemental information
- 5 feet of the furniture zone will be a 5% cross slope

JD - *grant as proposed*

CS - *second – carries unanimously*

WW now present and acting as chair

10) Incoming: Hungry Mother Restaurant (Dip Dog Incorporated), 233 Cardinal Medeiros Avenue, Cambridge (V16-105 and C13-081)

- TH - EXHIBIT – variance application and supplemental information
- June of 2015 restaurant closed and they were told that could not re-open until variance application submitted and approved
- over 30% of the tenant space value
- proposing to use a portable ramp for the entrance into the restaurant
- will provide training for the staff and notice on the restaurant website
- change in floor level within the restaurant as well
- proposing no access to the bathroom, based on the change in level within the building
-

GD - *grant a three month extension to the Temporary Certificate of Occupancy, to July 1, 2016; and schedule another hearing*

RG - *second – carries unanimously*

JD - *grant the change in level, on the condition that signage is posted on their website and at the restaurant that the bathroom is not wheelchair accessible and portable ramp is available, also require buzzer at the front entrance for notifying staff of the need for the ramp; for this use only*

CS - *second – carries unanimously*

DM left the room

11) Incoming: Sidewalks at corner of Mass Ave. and Newbury Street, Boston (V16-107)

TH - EXHIBIT – variance application and supplemental information
- cross slopes varying from 1.5-8.4% at one section of the sidewalk, but route provided around the noncompliant cross slopes

CS - grant as proposed

JH - second – carries unanimously

12) Incoming: Lobster Shanty, 25 Front Street and 24 New Derby Street, Unit U-1, Salem (V16-104)

TH - EXHIBIT – variance application and supplemental information
- proposing to add a deck
- spending \$40,000, over 30%
- EXHIBIT – April 22, 2016 submittal of proposal of new deck and ramp up to it
- restaurant is not yet open
- no accessible bathrooms or entrances currently

JD - allow the restaurant to open when the deck is completed and signed-off by the building department, on the condition that the toilet room addition planned for April 2018, be switched or included with Item 2 (exterior improvements, scheduled to be completed by April 2017), on the condition that signage posted within the restaurant and on the restaurant website (if a website is posted for the business).

CS - second – carries unanimously

DM now present – CS left the room

13) Incoming: Halibut Point Visitors Center, Granite Street, Rockport (V16-115)

TH - EXHIBIT – variance application and supplemental information
- EXHIBIT – E-mail from Kimberly Barnet, LDA architects, April 25, 2016
- spending over 30% of the value of the building
- EXHIBIT – Jim Nowland and Sean McDuff ILC of North Shore and Cape Ann, April 12, 2016 support letter for variance

JH - grant as proposed

GD - second – carries unanimously

14) Incoming Discussion: The Chatham Inn, 359 Main Street, Chatham (V16-026)

TH - EXHIBIT – plans submitted by Jeff Ippoliti via e-mail on April 21, 2016
- proposal says new ramp

CS now present

JD - grant on the condition that the patio is not used until the ramp is installed and signed off by the building inspector

JH - second – carries unanimously

JH left the room

15) Incoming: Mixed Use Building, 121 High Street (109-131 Pearl Street), Boston (V16-096)

- TH - EXHIBIT – variance application and supplement information
- building was formerly four structures, built in 1873
- spending over 30%
- seeking 5 variances, public entrance is one of them; 8 steps at the corner entrance
- there is a current accessible entrance, as well as a new accessible entrance

JD - grant as proposed for the entrances

DM - second – carries unanimously

- TH - two variances for basement toilet rooms (30.4 and 30.5)

JD - grant as proposed for the basement toilet rooms for 30.4 and 30.5

GD - second – carries unanimously

- TH - basement toilet rooms overall dimensions do not comply
- 30.7.1

JD - grant as proposed for 30.7.1 and 30.7.2

DM - second – carries unanimously

JH present, WW and GD left the room, DM as acting chair

16) Incoming: Dunkin Donuts, 445 Adams Street, Milton (V16-122)

- TH - EXHIBIT – variance application and supplemental information
- renovation and reconstruction
- spending \$150,000, jurisdiction of 3.3.1b
- rebuilding toilet rooms and main entrance, variance for ramp and entrance
- variance for width between the handrails at the ramp, 48” required and 44” provided

RG - grant as proposed

CS - second – carries unanimously

- TH - variance for the length of the landing, 60” required, 48” provided

CS - grant, on the condition auto door opener provider

JD - second – carries unanimously

- TH - 24.5.1 and 27.4.1, seeking a variance for the lack of handrails at both sides of the ramp and stairs

CS - deny both

JD - second – carries unanimously

- TH - 25.3, clear space for the vestibule door, 48” required, 40” provided

JD - grant on the condition automatic door openers controlling both doors

JH - second – carries unanimously

17) Incoming: Bapst/Burns Library, Boston College, 140 Commonwealth Avenue, Chestnut Hill (V16-102)

- TH - EXHIBIT – variance application and supplemental information; letter of support from Jini Fairly, Newton Commission on Disability, April 12, 2016
- elevator addition constructed in 1985, new bathrooms on the first floor and fourth floor
- 30.7.1 room dimensions, and 26.6.3a, pull side clearance

JD - grant both as proposed

DM - second – carries unanimously

18) Incoming: Scullars Jazz Club, Double Tree Suites Hotel, 400 Soldiers Field Road, Boston (V16-113)

- TH - EXHIBIT – variance application and supplemental information
- temporary ramp to the stage outside the venue

DM - grant 14.6 as provided on the condition that all staff is trained on where it is located and how to install the ramp when requested

RG - second – carries with JD opposed

- TH - proposing 36” clear width at ramp

JD - grant as proposed

DM - second – carries unanimously

- TH - proposing a slope of 1:10

JD - grant as proposed for ramp slope

CS - second – carries unanimously

- TH - landing size of 48” by 42”

CS - grant as proposed, on the condition staff available to assist

JH - second – carries unanimously

19) Incoming Discussion: Ben Cotto Ristronte, 361 Hanover St., Boston (V16-062)

- TH - previously denied on 3/21/16
- EXHIBIT – submittal of new plans on April 21, 2016 by Dominic Valente
- proposed slope of the ramped entrance with a slope of 16.6% with automatic door openers
- currently a 7 inch step

CS - grant on the condition that a buzzer is provided to request assistance from employees, a handrail is provided and the sloped entrance is covered

- withdrawn

- have them submit a plan by next meeting of a sloped entrance with a slope of no more than 1:10

JD - second – carries unanimously

20) Hearing: Senior Center, 240 Main Street, Marlborough (C14-097)

- WW - called to order at 11:30 a.m., scheduled for 11:00 a.m.
- introduce the Board

William Joyce, Compliance Officer for the Board (WJ)

- WW - WJ sworn in
- EXHIBIT 1 – AAB1-35

- WJ - filed in 2014 by David Correia
- complaint about the parking at the rear and the entrance and ramp at the front
- building was constructed in 1980, so applicable code was 1977 edition of 521 CMR
- parking is cited under 2006 edition of regulations
- First Notice sent in October of 2014; Second Notice sent in April 2015
- have not received any correspondence in the past year and a half
- copy of the hearing notice sent to the building commissioner since the building is owned by the Town
- Notice of Hearing was verified as received

JD - find in favor of the complainant on all cited complaints

DM - second – carries unanimously

DM - compliance with all reported violations by June 1, 2016, or a fine will be scheduled

JD - second – carries unanimously

DM - expedite

JD - second – carries unanimously

21) Incoming: Sidewalks Hurlbut Street Between Linnaean Street and Martin Street, Cambridge (V16-118)
(Part A); Richard Avenue between Mass. Ave and Muller Street, Cambridge

- TH - EXHIBIT – variance application and supplemental information; letter of support January 22, 2016 submitted by Michael Muehe of the Commission on Disability
- seeking variance for one side of the street due to large mature trees, with directional signage about the accessible sidewalks

CS - grant, Part A as proposed

DM - second – carries unanimously

CS - grant, Part B as proposed

DM - second – carries unanimously

22) Incoming Discussion: Curb Cuts at Center Street and Ferry Street, Malden (V16-042)

- TH - EXHIBIT – variance application and supplemental information
- met with the engineer and determined that no running slop variances needed due to the natural topography of the road
- need three variances for the center run cross slope (3%-6.5%), and variances for the cross slope at the transition panels (2.7-7.1%)

DM - grant as proposed

JH - second – carries unanimously

23) Incoming: Sam's Mobil Service Station, 285 Turnpike Road, Shrewsbury (V16-074)

- TH - EXHIBIT – variance application and supplemental information
- no exhibits to show the entrance, they argue that the gas station is accessible and so are the toilet rooms
- they want relief from a new shed that was constructed and does not have an accessible entrance

CS - deny

DM - second – carries unanimously

24) Incoming Discussion: Trampoline Park, 96 Milk Street, Methuen (V16-016)

- TH - denied variance for the lack of access to the viewing platform
- EXHIBIT – April 15, 2016 received letter and plans for the installation of a vertical wheelchair lift to the viewing platform
- there are two other raised areas, one will be employee-only, the other one is 36 inches above the floor with three additional trampolines

CS - require the submittal within 30 days receipt of an affidavit that states that one of the raised areas is for employee use only, with an attached plan

JD - second – carries unanimously

CS - grant as proposed for the raised trampoline area

JD - second – carries unanimously

- TH - stairs around the park also have no handrails, but will install compliant handrails
- seeking 12 months to install the lift and the handrails

JD - lift the closure on the viewing platform and grant on the condition that if vertical wheelchair lift and stair handrails are not installed by May 1, 2017, with the understanding that the occupancy permit will be revoked as of May 2, 2017 if compliance with this order is not confirmed; notice of lack of access to the viewing platform is on all advertising

RG - second – carries unanimously

25) Incoming: North Brookfield Townhouse, 185 North Main Street, North Brookfield (V16-106)

- TH - EXHIBIT – variance application and supplemental information

DM - put it packet for next meeting

JD - second – carries unanimously

LUNCH BREAK
DM left for the day

26) Hearing: First Church in Wenham, 1 Arbor Street, Wenham (V16-037)

- WW - called to order at 1:00 p.m.
- introduce the Board

Stephano Basso, Siemasko & Verbridge Architects (SB)

John Harden, Siemasko & Verbridge Architects (JoH)

Reverend Michael Duda (MD)

WW - all sworn in
- EXHIBIT 1 – AAB 1-86

JoH - been working on the project for many years
- hoping to start the work this summer

MD - senior pastor for first church in Wenham
- one of the oldest churches in new England, founded in 1644
- been in the current meeting house since 1843
- welcome everyone into their church
- removed a section of pews and created an accessible area
- group home down the street and usually have several people in wheelchairs at Sunday services
- all functions of the church (communion, baptisms, and marriages) are held at the floor level and not at the raised chancel
- building a new addition due to building of parishioners and wanting to put everything at one floor
- proposing a LULA and accessible toilet rooms at both levels
- ramps to both of those levels as well

JoH - met with Tom Hopkins and Shawn McDuff of the local Independent Living Center
- AAB36, list of the items variances are being sought
- submittal of addendum to the application

WW - accept as EXHIBIT 2

JoH - \$1.7 million project, value of church is \$627,000, spending over 30%
- new work being done in the addition will comply with some amended requests
- first variance is for the front entrance (Variance 1, 1a and 2)
- doors at the historic main entrance have a 3-4” threshold
- they are more of a symbolic entrance, but the centralized entrance is accessible and the main entrance

CS - wedding pictures?
WW - very shallow porch area

JoH - columns are structural and historic, and there is very little room behind them
- often have pictures at the bottom of the stairs
- when the piece of property was offered to the church, it was owned by the neighbor, and right of way was required to be maintained to the neighbors house

GD - when is the front entrance used?
MD - some people exit out the front doors after the service, and some people do enter the building from the front

JoH - recommendation from Shawn McDuff was to provide directional signage at the historic front entrance

MD - usually have people at the door

JD - Grant variance for Item 1 and 2

JH - second – carries unanimously

JoH - handrails are existing at the front entrance
- historic to the stairs
- lack of extensions, they are graspable, but do not have the correct profile

MD - handrails were probably installed in the 1950s

DG - any other work happening at the front?

MD - no, trying to keep the work away from that area as much as possible

JH - may need a more substantial handrail for those stairs

WW - risers do not look uniform, bottom riser is slightly shorter
- handrail extension would be helpful

JoH - would have to reconfigure the handrails as well, but may be an issue with historic boards

JD - how sturdy are the existing handrails

MD - solid

GD - deny the variance for Item 3

JD - second – carries unanimously

JoH - secondary accessible means of egress

- AAB21, shows the proposed area of rescue assistance

CS left the room

SB - just a suggested alternative for rescue, but do not that it is not a fire-protected area

JD - grant the variance requested for Item 4

DG - second – carries unanimously

JoH - ramp at main entrance to the church was installed in 1999

- volunteer project to build the ramp

- in several aspects of the ramp, the width and length of the ramp is correct, but the slope of the ramp is 1:11.5, rise of 31.25”

GD - grant the variance for the slope (Item 5)

JD - second – carries unanimously

JoH - maneuvering clearance at main entrance door

- the door is recessed more than 6”

- proposing an automatic door opener at this door

- will coordinate access with the door opener and the locking of the door

CS now present

JH - where is the opener button proposed?

- SB - there is level decking to provide enough clearance to provide the button for the auto-opener
- JD - *grant as proposed for the landing and door opening maneuvering space (Item 5 and Item 6)*
 JH - *second – carries unanimously*
- JoH - AAB22, stair handrails to main entrance
 - five risers
- CS - *grant as proposed for Item 7, stair handrails*
 GD - *second – carries 4 – 2 (JD and DG opposed)*
- JoH - lower level entrance ramp handrails
 - existing guardrail at one side, intend to maintain the existing ramp
 - proposing to install a compliant handrail at one side and maintain the other guardrail which is 1” lower than the required height
- JH - *grant as proposed for Item 8*
 JD - *second – carries unanimously*
- JD - *require more information regarding the cross slope of the lower level entrance ramp, within 14 days receipt of decision, measured with a 2-foot smartlevel*
 RG - *second – carries unanimously*
- JoH - door to the sanctuary, located just inside the main entrance
 - Item 9
 - proposing to install an automatic door opener
- JD - *no variance required for Items 9 and 10 as proposed*
 RG - *second – carries unanimously*
- JoH - Item 11
 - three existing office spaces at the first floor, just inside the main entrance
 - proposal for the three doors was originally to maintain the existing doors with offset hinges
 - letter from McDuff requested that the center room, which is used as a library, be modified to comply
 - so seeking for a variance for two of the three doors
 - offset hinges will provide 31” of clearance
- JD - *grant the variance requested for Item 11, as proposed, on the condition that the library door is widened and offset hinges installed*
 RG - *second – RG, JD and JH in favor, CS, GD and DG opposed; WW in favor, motion carries*
- JoH - Item 12 and 13, existing toilet room door maneuvering clearances
 - toilet is 1’5 ½ off the wall instead of 1’6”
 - stair at the bottom side of the toilet room, and there is another toilet room, sharing the entrance wall
- GD - *grant for Item 12 and 13 as proposed*
 JD - *second – carries unanimously*
- JoH - Items 14, 15 and 16
 - existing stair handrails at interior

- center handrail is noncompliant
- proposing to install compliant wall-mounted handrail

RG - grant as proposed for Items 14, 15 and 16

JD - second – carries unanimously

- JoH
- withdraw variance for doors at the end of the sanctuary
 - there is a closer, but not a latch, so push side clearance not required

CS - no variance is required Item 17

JD - second – carries unanimously

- JoH
- Item 18
 - stairs up to the balcony are noncompliant
 - because of the historic nature and cost to completely reconfigure the stairs

GD - grant the variance for Item 18

JD - second – carries unanimously

- JoH
- Item 19, access to chancel
 - typically events held at the floor

CS - what is behind the chancel?

- JoH
- stair, toilet room and where the organ pipes travel through

- CS - lowered lectern or microphone
- MD - do have portable lectern

JH - grant the variance for the lack of access to the Chancel (Item 19)

GD - second – carries with CS abstaining

- JoH
- Item 20, lack of handrails at stairs to the chancel
 - there is one handrail on the stairs to the side of the chancel

CS - grant a variance for the lack of handrail at the chancel stairs (Item 20), on the condition that one compliant handrail is installed at the side stairs to the chancel

JD - second – carries unanimously

- JoH
- Accessible seating, Item 21
 - all of the seating is raised at the sides, the section at the center is at floor level, and pitches up while it goes to the back
 - side pews are all raised 6 inches
 - platform was always there for the seating
 - ILC suggested compliant handrail at one side and raised edge at other side
 - proposing compliant accessible seating

JD - no variance required (Item 21)

JH - second – carries unanimously

JD - grant the variance for ramp to accessible seating (Item 22), as proposed with compliant handrail and raised guard

JH - second – carries unanimously

JoH - lack of access to the balcony

MD - three rows of 12 seats

CS - grant on the condition used for overflow seating only

JH - second – carries unanimously

JoH - Item 24, access to choir

- raised platforms for choir

- first row is loose seats, with a small wall in front of it

- fixed organ adjacent to the choir

JD - deny variance for Item 24

GD - second – carries unanimously

JoH - variance to use a LULA instead of full elevator

CS - grant as proposed (Item 24)

JD - second – carries unanimously

JoH - AAB6

- Item 1a

- parish house back entrance and side entrance

- new stair proposed, and one will be emergency egress only

JH - grant as proposed

JD - second – carries unanimously

27) Hearing: Life Time Athletic, 490 Old Connecticut Path, Framingham (V16-014)

WW - called to order at 2:40

- introduce the Board

Steve Torell, Life Time Fitness Compliance Manager (ST)

Marc Lindvig, Life Time Fitness Architect (ML)

WW - both sworn in

- EXHIBIT 1 – AAB1-24

ML - own 125 clubs in US and Canada

- 130,000 square feet for this club, with six bodies of water

- submitted plans for review by the Town on January 29, 2015 for permit approval from building and health department

- met with Mark Hughes on May 7, 2015 to discuss spas and access to them, and had spoken to Mark Dempsey, compliance officer for the AAB at the time

- transfer wall distance for toilet is 18” for toilet and 16” for federal requirements

- began construction in June 2015

- facility open in Westwood as well and this issue was never brought up

- received a call in December of 2015 stating that variance was required for the lack of accessible route and nonslip surface around any water facility
- have stopped construction of the spas since the review of the Board
- question is “around” is all the way around the spa, or just around the available perimeter of the pool

CS - question is if a path of travel is required all the way around the spa?

ST - yes

- there is a 48” path of travel at two sides of the whirlpools, but not completely around?

ST - yes, the paths of travel are larger than 48”

- there are 12” and 18” transfer coping walls provided for access to all of the spas

RG - is there a lift provided to the spas?

ST - there are compliant access stairs and a lift to each of the pools provided, and there are four spas (one outside, three inside), with all providing a coping wall for transfers into the spas

CS - would like to see a lift installed to create access for one of the four spas

DG - maybe a lift at the pool area spa would be a good addition

JD - put a lift on the unisex spa?

ST - yes, could be an option

JD - grant on the condition that there is a lift device is provided at the poolroom spa

GD - second – carries unanimously

CS - expedite

GD - second - carries unanimously

28) Incoming: Auburn Court Residential Complex, 80 and 84-88 Auburn Park, 72 and 94 Brookline Street, 41, 42, 45-47, 46-48 Pilgrim Street, 115 and 117 Pacific Street, and 3 Brookline Place, Cambridge (V16-097)

TH - EXHIBIT – variance application and supplemental information

- need a hearing

JD - hearing

JH - second – carries unanimously

29) Incoming: Neko’s of New York, 847 Edgell Rd., Framingham (V16-108)

TH - EXHIBIT – variance application and supplemental information

- counter is too high

- EXHIBIT – April 20, 2016 photos from Framingham Building Department, counter has been lowered, and variance no longer needed

JH - new counter complies, no variance required

JD - second – carries unanimously

30) Incoming: Avalon Framingham, 40 River Path Drive, Framingham (V16-112)

TH - EXHIBIT – variance application and supplemental information

- new residential buildings

- 15 units are 2-story dwelling units and not townhouse

- 180 flats

JH - grant as proposed

JD - second – carries with CS abstaining

31) Incoming Discussion: Town Hall, Temporary Trailers, 25 High Road, Newbury (V16-085)

- TH
- previously reviewed at last meeting
 - the trailers are actually the ones that have the mold, should have been ramped
 - they want to add two new trailers, and provide town services within town hall
 - EXHIBIT – letter from Sam Joslin, Newbury Building Commissioner, April 15, 2016
 - time variance until July 1, 2016, at which time all trailers will be removed from the property

JH - grant as proposed

JD - second – carries unanimously

32) Incoming Discussion: Mixed Use Building, 50 Water Street, Worcester (V16-001)

- TH
- both sections of the restaurant allowed to open until May 9, 2016, when the hearing is scheduled for
 - seeking to postpone the hearing, until they can appear before the BBRS to provide an incline lift at the stairs between the two levels
 - EXHIBIT – letter from Neil Dixon, on April 19, 2016, seeking to postpone the hearing

JD - cancel hearing and require them to submit to BBRS for a variance for the install of the incline lift

RG - second – carries unanimously

JD - extend the temporary certificate of occupancy to 6 months beyond the May 9, 2016 date

RG - second – carries unanimously

33) Incoming: Residential Building, 12 Mount Auburn Street, Cambridge (V16-079)

- KS
- EXHIBIT – variance application and supplemental information

GD - grant

DD - second – carries with RG opposed

34) Incoming: Hungry Mother Restaurant, 233 Cardinal Medeiros Avenue, Cambridge (V16-105)

CS - reopen

RG - second – carries unanimously

CS - require the petitioners to explore the possibility of installing an incline wheelchair lift and require them to seek a variance from the BBRS if so required; and also require the submittal of a plans and costs for an accessible toilet room at the first floor

RG - second – carries unanimously

35) Incoming: New Pedestrian Path and Bridge, 17 Maple Street and 4 South Main Street, Middleton (V16-099)

- TH
- EXHIBIT – variance application and supplemental information
 - project is extension of walking paths to sledding hill behind Cumberland Farms Store
 - need relief for cross slopes, running slopes, and the bridge
 - seeking variances for landings and handrails as well

- JD* - grant as proposed, on the condition that the bridge complies, with details of the bridge construction to be submitted to the Board, within 30 days receipt of decision of the Board
GD - second – carries unanimously

36) Incoming: South Bay Building “D”, 1 Jan Karski Way, Boston (V16-121)

- TH - EXHIBIT – variance application and supplemental information
- residential units and retail spaces
- new construction
- 4 units that require variance relief because the secondary residence unit access door is located at level two of the building

- JH* - grant as proposed
JD - second – carries unanimously

37) Incoming: Townhouse Building 6 and 7, Fitchburg State College, 150 and 140 Cedar Street, Fitchburg (V16-114)

- TH - EXHIBIT – variance application and supplemental information
- work proposed to be completed by the summer of 2018
- improving walkways to the entrances to the two buildings
- spending more than \$100,000, but less than 30%

- CS* - grant as proposed
JH - second – carries unanimously

38) Incoming: Days of Discovery Child Care Center, 575 Church Street, New Bedford (V16-075)

- TH - EXHIBIT – variance application and supplemental information; April 21, 2016 submittal from BJ Shanklin, consultant to the Commission on Disability
- remodeling to a daycare use
- spending over 30%
- seeking a variance to provide no access, adjacent building is accessible
- no photos provided

- JD* - deny, and no certificate of occupancy issued until matter before the board resolved
RG - second – carries unanimously

39) Incoming: Hopkinton Mews, Lumber Street, Hopkinton (V16-119)

- TH - EXHIBIT – variance application and supplemental information
- new construction
- seeking a variance for lofts with lift installation at a later date, upon request, with owner to keep reserve fund for \$25,000 per lift
- need a hearing

- JH* - hearing
JD - second – carries unanimously

40) Incoming: New Apartment Building, 6 New Street, East Boston (V16-100)

- TH - EXHIBIT – variance application and supplemental information

- 258 units
- seeking 5 variances
- outlets, refrigerators, and sinks

CS - grant as proposed, with language in the lease, no extra cost to tenant, readily available with no delay upon request

JH - second – carries unanimously

40) Incoming Discussion: Turner Free Library, 2 North Main Street, Randolph (V15-248)

- TH - previously required compliance date of 60 days from receipt
- EXHIBIT – April 5, 2016, Joel Bargman wrote to the Board to inform them that the library is closed to the public until the project is completed; project will be completed and library will reopen on October 4, 2016

JD - extend date for compliance to October 4, 2016

JH - second- carries unanimously

41) Incoming Discussion: Mercantile Retail Building, 85 Main St., Gloucester (V16-015)

- TH - continued variance request for slopes of accessible parking
- EXHIBIT- April 1, 2016, submittal from Dan Goodenow, submitted plan for parking and the location of the buttons for the automatic door openers

JD - first accessible space to be provided in a required lot shall be a van accessible space

JH - second – carries unanimously

42) Incoming: Site Project, between Hasbrouck Hall, the Lincoln Campus Center and the Integrated Learning Center, Amherst (V16-109)

- TH - EXHIBIT – variance application and supplemental information; April 21, 2016 e-mail from Amherst Commission on Disability

CS - schedule a hearing

GD - second – carries unanimously

JD left for the day

43) Incoming: Marcus Hall, UMass Amherst, 100 Natural Resources Road, Amherst (V16-111)

- TH - EXHIBIT – variance application and supplemental information; April 21, 2016 e-mail from Amherst Commission on Disability
- 36-inch wide ramp at new stage

JH - grant as proposed

GD - second – carries unanimously

44) Incoming: Cashin House, UMass Amherst, 112 Eastman Lane, Amherst (V16-112)

- TH - EXHIBIT – variance application and supplemental information; April 21, 2016 e-mail from Amherst Commission on Disability
- spending over 30%

- variances for 26.6, 26.6.3 and 26.4 for all doors within the building
- asbestos doors have to be replaced

JH - grant as proposed

CS - second – carries unanimously

45) Incoming: Highpoint Mansion, Hillcrest Educational Center, 242 West Mountain Road, Lenox (V16-101)

- TH
- EXHIBIT – variance application and supplemental information
 - remodeling of three rooms, bathing room, laundry and housekeeping closet, to a bathing room and larger laundry room
 - spending \$12,000
 - the rooms are at the upper floors, which are not accessible
 - seeking a variance for the lack of access at the renovated bathroom
 - other accessible units on the campus

CS - grant as proposed

JH - second – carries unanimously

46) Discussion: Salmon Falls Building, Shelburne (V14-326)

- TH
- EXHIBIT – April 22, 2016 submittal from Josh Simpson, building owner
 - originally granted until May 1, 2016 for the installation of a vertical wheelchair lift
 - temporary CO was allowed to open the restaurant until lift installation is complete
 - won't receive lift for installation until July 11, 2016, installation will not commence until August 2016
 - seeking 120 day extension of lift compliance deadline and temporary CO for the restaurant

CS - grant the extension to 120 days, on the condition that within 2 weeks receipt of the decision of the Board, submit plans for the lift and a copy of the deposit check for the installation of the lift

GD - second – carries unanimously

William Joyce, Compliance Officer for the Board (WJ) – now present

47) Discussion: Gillette Stadium, One Patriots Place, Foxborough (C15-142)

- WJ
- EXHIBIT – March 15, 2016 letter from Matthew Piekarski, Director of Parking for Gillette Stadium
 - complaint originated because signage was covered with bags and an accessible parking lot was closed (Lot 4A), Lot is closed on game days because of public safety concerns
 - do not count lots towards total that are across Route 1
 - inside the Patriots Place shopping area is a medical facility

CS - hearing

JH - second –

- WW
- need a study of their parking provided and the number of accessible parking spaces required
 - need copy of the documents regarding the parking plan

- WJ
- town notes 19,000
 - it is an issue of number of spaces and the distribution of spaces

WW - need a breakdown of parking spaces provided and what was put into consideration for the number of accessible parking spaces and the layout of the spaces

CS - *withdraw motion*

JH - *require additional information regarding the parking policies and the number of spaces provided, as well as a comprehensive parking plan done by a registered professional engineer, and show where the accessible parking spaces are provided per use, submitted within 60 days receipt of notice*

GD - *second – carries unanimously*

48) Discussion: Regal Cinemas, 231 Turnpike Rd., Westborough (C16-012)

WJ - complaint filed by Karen Dempsey regarding distribution of parking at the cinema
- also makes a claim about the property line, two separate lots with two separate owners
- complainant states that the seven accessible parking spaces at the side should be moved to the front of the theater
- all of the accessible parking spaces are located within one of the two lots
- 7 spaces at the side of the building are adjacent to the sidewalk and have an accessible route along the building

WJ - will seek further information regarding the leasing info

49) Discussion: Meeting Minutes from March 21st and April 4th

JH - *accept the meeting minutes from March 21 and April 4th*

GD - *second – carries with RG abstaining*

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- The Chatham Inn, 359 Main Street, Chatham (V16-026) - plans submitted by Jeff Ippoliti via e-mail on April 21, 2016
- Ben Cotto Ristronte, 361 Hanover St., Boston (V16-062) - submittal of new plans on April 21, 2016 by Dominic Valente
- New Apartment Building, 6 New Street, East Boston (V16-100) - variance application and supplemental information
- Salmon Falls Building, Shelburne (V14-326) - April 22, 2016 submittal from Josh Simpson, building owner

EXHIBITS:

- Taunton State Hospital, Chambers Building, 60 Hodges Avenue, Taunton (V16-120) - variance application and supplemental information
- James Library Center for the Arts, 24 West Street, Norwell (V16-087) - variance application and supplemental information

- Gordon Mansfield Veterans Village, 702 South Westfield St., Feeding Hills (V16-103) - variance application and supplemental information
- Sidewalks and Curb Cuts, Hollis Street, Irving Street, Concord Street, Union Avenue, Frederick Street, Howard Street, Framingham (V16-094) - variance application and supplemental information; April 4, 2016 e-mail from Karen Dempsey, of Framingham Commission on Disability opposed to all the variance requests
- Goshen Town Hall, 42 Main Street, Goshen (V16-084) - variance application and supplemental information; March 21, 2016 letter from Andy Bristol of Stavros, supporting all of the variances as proposed
- Strand Theater, 11 Oak Bluffs Avenue, Oak Bluffs (V16-117) - variance application and supplemental information
- Sidewalks at State Transportation Building, 10 Park Plaza, Charles Street South, Stuart Street, and Tremont Street, Boston (V16-116) - variance application and supplemental information
- Sidewalks at corner of Mass Ave. and Newbury Street, Boston (V16-107) - variance application and supplemental information
- Hungry Mother Restaurant (Dip Dog Incorporated), 233 Cardinal Medeiros Avenue, Cambridge (V16-105 and C13-081) - variance application and supplemental information
- Lobster Shanty, 25 Front Street and 24 New Derby Street, Unit U-1, Salem (V16-104) - variance application and supplemental information; April 22, 2016 submittal of proposal of new deck and ramp up to it
- Halibut Point Visitors Center, Granite Street, Rockport (V16-115) - variance application and supplemental information; E-mail from Kimberly Barnet, LDA architects, April 25, 2016; Jim Nowland and Sean McDuff ILC of North Shore and Cape Ann, April 12, 2016 support letter for variance
- Mixed Use Building, 121 High Street (109-131 Pearl Street), Boston (V16-096) - variance application and supplement information
- Dunkin Donuts, 445 Adams Street, Milton (V16-122) - variance application and supplemental information
- Bapst/Burns Library, Boston College, 140 Commonwealth Avenue, Chestnut Hill (V16-102) - variance application and supplemental information; letter of support from Jini Fairly,
- Scullars Jazz Club, Double Tree Suites Hotel, 400 Soldiers Field Road, Boston (V16-113) - variance application and supplemental information
- Sidewalks Hurlbut Street Between Linnaean Street and Martin Street, Cambridge (V16-118) (Part A); Richard Avenue between Mass. Ave and Muller Street, Cambridge - variance application and supplemental information; letter of support January 22, 2016 submitted by Michael Muehe of the Commission on Disability
- Curb Cuts at Center Street and Ferry Street, Malden (V16-042) - variance application and supplemental information
- Sam's Mobil Service Station, 285 Turnpike Road, Shrewsbury (V16-074) - variance application and supplemental information
- North Brookfield Townhouse, 185 North Main Street, North Brookfield (V16-106) - variance application and supplemental information
- Auburn Court Residential Complex, 80 and 84-88 Auburn Park, 72 and 94 Brookline Street, 41, 42, 45-47, 46-48 Pilgrim Street, 115 and 117 Pacific Street, and 3 Brookline Place, Cambridge (V16-097) - variance application and supplemental information
- Neko's of New York, 847 Edgell Rd., Framingham (V16-108) - variance application and supplemental information; April 20, 2016 photos from Framingham Building Department, counter has been lowered, and variance no longer needed
- Avalon Framingham, 40 River Path Drive, Framingham (V16-112) - variance application and supplemental information

- Residential Building, 12 Mount Auburn Street, Cambridge (V16-079) - variance application and supplemental information
 - New Pedestrian Path and Bridge, 17 Maple Street and 4 South Main Street, Middleton (V16-099) - variance application and supplemental information
 - South Bay Building “D”, 1 Jan Karski Way, Boston (V16-121) - variance application and supplemental information
 - Townhouse Building 6 and 7, Fitchburg State College, 150 and 140 Cedar Street, Fitchburg (V16-114) - variance application and supplemental information
 - Days of Discovery Child Care Center, 575 Church Street, New Bedford (V16-075) - variance application and supplemental information; April 21, 2016 submittal from BJ Shanklin, consultant to the Commission on Disability
 - Hopkinton Mews, Lumber Street, Hopkinton (V16-119) - variance application and supplemental information
 - Site Project, between Hasbrouck Hall, the Lincoln Campus Center and the Integrated Learning Center, Amherst (V16-109) - variance application and supplemental information; April 21, 2016 e-mail from Amherst Commission on Disability
 - Marcus Hall, UMass Amherst, 100 Natural Resources Road, Amherst (V16-111) - variance application and supplemental information; April 21, 2016 e-mail from Amherst Commission on Disability
 - Cashin House, UMass Amherst, 112 Eastman Lane, Amherst (V16-112) - variance application and supplemental information; April 21, 2016 e-mail from Amherst Commission on Disability
 - Highpoint Mansion, Hillcrest Educational Center, 242 West Mountain Road, Lenox (V16-101) - variance application and supplemental information
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- Nahant Housing Authority, Spindrift Building, 194 Nahant Rd., Nahant (C14-018 and V15-048) - April 14, 2016 Neil Mongold submitted amendment to existing variance; March 25, 2016 Reilly Law LLC, wrote seeking an extension to the May 1, 2016 deadline for the installation of the lift
 - Trampoline Park, 96 Milk Street, Methuen (V16-016) - April 15, 2016 received letter and plans for the installation of a vertical wheelchair lift to the viewing platform
 - Town Hall, Temporary Trailers, 25 High Road, Newbury (V16-085) - letter from Sam Joslin, Newbury Building Commissioner, April 15, 2016
 - Mixed Use Building, 50 Water Street, Worcester (V16-001) - letter from Neil Dixon, on April 19, 2016, seeking to postpone the hearing
 - Turner Free Library, 2 North Main Street, Randolph (V15-248) - April 5, 2016, Joel Bargman wrote to the Board to inform them that the library is closed to the public until the project is completed; project will be completed and library will reopen on October 4, 2016
 - Mercantile Retail Building, 85 Main St., Gloucester (V16-015) - April 1, 2016, submittal from Dan Goodenow, submitted plan for parking and the location of the buttons for the automatic door openers
 - Gillette Stadium, One Patriots Place, Foxborough (C15-142) - complaint form and supplemental information; March 15, 2016 letter from Matthew Piekarski, Director of Parking for Gillette Stadium
 - Regal Cinemas, 231 Turnpike Rd., Westborough (C16-012) - complaint form and supplemental information